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23 **Attorney for Plaintiff**
24 **VAN A. PENA, PHD., M.D.**

25 **THE UNITED STATES DISTRICT COURT**
26 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

27 **VAN A. PENA, PHD., M.D.,**

28 **S CASE NO. C 00-4009 CW**

29 **Plaintiff,**

30 **S**

31 **v.**

32 **S**

33 **TIMOTHY MEEKER, PATRICIA**
34 **REES, HAL PETERSON, JENNIFER**
35 **WEAR, DENISE SHELDON, NORM**
36 **KRAMER, AND JUDITH**
37 **BJORNDAL,**

38 **S STIPULATION REQUESTING THAT**
39 **S THE CASE MANAGEMENT**
40 **S CONFERENCE BE RESCHEDULED.**

41 **Defendants**

42 **S Current CMC date: September 23, 2008**

43 **S Proposed CMC date: December 16, 2008**

44 **S The Honorable Claudia Wilken**

45 **NOW COME THE PARTIES,** by and through their counsel of record, and hereby request
46 that the Case Management Conference, which is currently set for September 23, 2008, be
47 rescheduled for December 16, 2008. In support thereof, the parties would show the Court the
48

1 following:

2 1. This case is currently on appeal before the United States Court of Appeals for the
3 Ninth Circuit. The matter has been fully briefed and is scheduled for oral argument on October 24,
4 2008. The parties do not anticipate a decision from the Ninth Circuit prior to the current September
5 23, 2008 date for the Case Management Conference.

6 Accordingly, the parties respectfully request that this Court reschedule the Case Management
7 Conference for December 16, 2008.

8 **RESPECTFULLY SUBMITTED.**

9 **Dated: September 5, 2008**

10 **EDMUND G. BROWN, JR, Attorney General
of the State of California
MIGUEL NIRI
FIEL D. TIGNO**

11 /s Terry Senne
12 **TERRY SENNE
Deputy Attorney General
Attorneys for Defendants**

13 **Dated: September 5, 2008**

14 **LAW OFFICES OF LAWRENCE J. KING**

15 By: /s Lawrence J. King
16 **LAWRENCE J. KING
Attorney for Plaintiff
VAN A. PENA, PHD., M.D.**

17 **|PROPOSED| ORDER**

18 Having reviewed the parties stipulation and finding good cause therefor, the Court hereby
19 GRANTS the parties request and reschedules this case for a Case Management Conference to be
20 held on December 16, 2008 at 2:00 p.m.

21 **IT IS SO ORDERED.**

22 9/16

23 **Dated: _____, 2008**



24 **The Honorable Claudia Wilken
United States District Judge**